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Attorneys for Defendants and Counterclaimants
 STRYKER CORPORATION AND STRYKER
 COMMUNICATIONS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

KARL STORZ ENDOSCOPY-AMERICA, INC.,

Plaintiff,

vs.

STRYKER CORPORATION and STRYKER
COMMUNICATIONS, INC.,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. C 09-0355 (VRW)

**AMENDED STIPULATION AND
~~PROPOSED~~ ORDER EXTENDING
DEADLINES**

[Civ. L.R. 6-2 & 7-12]

Honorable Vaughn R. Walker

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Karl Storz Endoscopy-America, Inc. (“KSEA”) and Defendants Stryker Corporation and Stryker Communications, Inc. (collectively, “Stryker”), through their respective counsel of record, hereby stipulate to and jointly request the Court as follows:

1. By Order dated May 14, 2009 (Doc # 96-1), the Court entered an initial case management order. That order included the following deadlines:

Fact discovery deadline	July 16, 2010
Deadline to disclose expert witnesses	July 16, 2010
Deadline to serve expert report(s) for which a party bears the burden of proof	August 20, 2010
Deadline to serve rebuttal expert reports	October 15, 2010
Expert discovery deadline	December 17, 2010
Deadline to file dispositive motions	January 21, 2011
Hearings on dispositive motions	April 21, 2011 (pending court availability)

2. The May 14, 2009 Order also set the claim construction hearing for March 17, 2010. Thus, the Court originally arranged the case schedule such that the close of fact discovery and disclosure of expert witnesses would occur approximately three months after the claim construction hearing.

3. Based on the Court’s Notice of Unavailability and subsequent communications with the Courtroom Deputy, Cora Klein, the parties learned that the Court would no longer be available for the claim construction hearing on March 17, 2010. Thus, the parties filed a stipulation and proposed order to move the hearing to a date on which the Court was available. Accordingly, by Order dated January 27, 2010 (Doc # 186), the Court entered a modified schedule for certain events up to and including the claim construction hearing. The Order continued the claim construction hearing date from March 17, 2010, until June 23, 2010. Per the Order, Stryker’s Motion for Summary Judgment of Non-Infringement and KSEA’s Cross Motion for Partial Summary Judgment

of Infringement will also be heard on June 23, 2010.

4. The new claim construction (and summary judgment) hearing date of June 23, 2010, provides only a narrow window of time between the hearing and the close of fact discovery on July 16, 2010. Despite the diligent efforts of the parties to conduct discovery in parallel with other case deadlines pertaining to summary judgment briefing and claim construction, the parties believe that additional time will be needed to fully and fairly conduct discovery. To preserve the original time interval between the claim construction hearing and the close of fact discovery, and to preserve the original time intervals between the other, subsequent deadlines, the parties propose the following modifications to the schedule (which extend the current deadlines by approximately ninety days):

Fact discovery deadline	October 14, 2010
Deadline to disclose expert witnesses	October 14, 2010
Deadline to serve expert report(s) for which a party bears the burden of proof	November 18, 2010
Deadline to serve rebuttal expert reports	January 13, 2011
Expert discovery deadline	March 17, 2011
Deadline to file dispositive motions	May 26, 2011
Hearings on dispositive motions	July 7, 2011 (pending court availability)

5. Pursuant to Civil L.R. 6-2(a)(1)-(3), this stipulated request is accompanied by the Declaration of William R. Overend setting forth (a) the reasons for the requested rescheduling; (b) all previous time modifications in the case; and (c) the effect of the requested rescheduling.

1 IT IS SO STIPULATED.

2
3 Respectfully submitted,

4 Dated: May 17, 2010.

REED SMITH LLP

5
6 By /s/ William R. Overend

William R. Overend

7 Attorneys for Defendants

Stryker Corporation and Stryker Communications, Inc.

8 Dated: May 17, 2010. BECK, ROSS, BISMONTE & FINLEY, LLP

9
10 By /s/ Alfredo A. Bismonte

Alfredo A. Bismonte

11 Attorneys for Plaintiff

12 Karl Storz Endoscopy-America, Inc.

13 **CERTIFICATION**

14 I hereby attest that concurrence in the filing of this document has been obtained by the above
15 named signatories.
16

17 DATED: May 17, 2010.

18
19 REED SMITH LLP

20 By /s/ William R. Overend

21 William R. Overend

22 Attorneys for Defendants

23 Stryker Corporation and Stryker Communications,
24 Inc.
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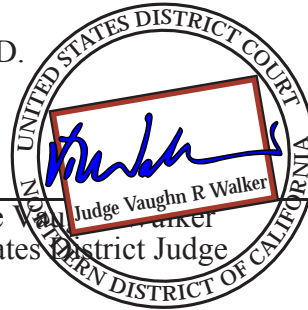
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 24, 2010

Honorable Judge Vaughn R Walker
United States District Judge



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